Technological advances over the past several decades have made the world a much smaller place. Often, airfares to international destinations are cheaper than to many places in the United States. Increasingly, world cities now share many commonalities. It’s as easy to find a Starbucks in Taipei as New York City, and you can stay in the same chain of hotels just about anywhere you travel.

As the world shrinks, criminals have also increasingly taken great advantage of the ability to easily commit crimes across borders. And even when crimes do not cross borders, the commonalities facilitated by the Internet age have resulted in many similarities in the crimes committed wholly within specific nations. Accordingly, prosecutors around the world have increasingly found that they do not exist within a vacuum in their own countries. While national laws and rules of evidence can and do vary greatly from nation to nation, sound investigatory and prosecutorial techniques translate remarkably well across international borders as they apply to common problems.

Faced with an increasing need for a forum to bring the world’s prosecutors together, the International Association of Prosecutors (IAP) was formed in 1995 as the first and only world association of prosecutors. The IAP vision is to be an organization “committed to setting and raising standards of professional conduct and ethics for prosecutors worldwide; promoting the rule of law, fairness, impartiality and respect for human rights; and improving international cooperation to combat crime.” IAP has now grown into an organization that includes individual and organizational members from over 170 countries. In the United States, organizational members include the U.S. Department of Justice (USDOJ), the National Association of Attorneys General (NAAG), and the Association of Prosecuting Attorneys (APA). As the number of nations participating in IAP attests, it has a very robust international presence. While IAP membership has also been quite extensive in common-law nations such as Canada and Australia and most civil law nations, participation by American prosecutors has lagged a bit behind, largely because of historically active U.S. organizations like USDOJ, NAAG, APA, and the National District Attorneys Association (NDAA) that have provided a host of benefits to their members.

The passing of time, however, combined with the porosity of borders and increasingly common patterns of crime across all nations, has made it clear that there are many benefits to the level of international cooperation provided by IAP.

Services Provided by IAP to Its Members

**Specialty Working Networks:** IAP continues to expand the number of specialty networks available to its members. These networks provide a number of different resources, but perhaps most important of these are the ability to establish relationships and glean best practices with prosecutors from around the world. Such networks include:

- **Global Prosecutors E-Network (GPEN):** GPEN’s goal is to improve the level of international cooperation among cybercrime prosecutors. GPEN resources include a monthly newsletter, a discussion forum, learning resources to include an on-line library, various trainings, and a yearly meeting held as part of the IAP annual meeting. GPEN is perhaps the most evolved and developed of the IAP specialty networks. NAAG staff are active participants and collaborators in this effort.

- **Trafficking in Persons Platform (TIPP):** The problem of human trafficking has profound international dimensions. Both labor and sex trafficking operations routinely cross borders and international cooperation is essential to battling this scourge. TIPP’s goals include providing a forum where prosecutors can communicate regarding trends and patterns and share best practices.

- **Network of Anti-Corruption Prosecutors (NACP):** The NACP network concentrates on the issues of bribery and corruption, money laundering, and asset recovery. While law enforcement tactics in this area vary widely across nations, the NACP endeavors to provide transferable best practices and lessons learned.

- **Forum for International Criminal Justice (FICJ):** FICJ facilitates global cooperation in the areas of war crimes, crimes against humanity, and genocide.
The NAGTRI Journal is published quarterly and is posted at [www.naag.org/publications/nagtri-newsletters.php](http://www.naag.org/publications/nagtri-newsletters.php). To submit article ideas, contact Judy McKee at 202-326-6044 or via email at jmckee@naag.org. To receive a free e-mail copy each quarter, contact Laurel Pugliese via email at lpugliese@naag.org.

**Counter Terrorism Prosecutors Network (CTPN):**
The CTPN provides access to various resources to include an e-bulletin, contacts, and a discussion board.

**Annual and Regional Meetings:** IAP holds an annual meeting each year and a regional meeting specific to each continent or major international region approximately every one and one half years. These meetings are used to focus on a particular issue of importance to prosecutors. They provide both an important opportunity to increase professional expertise and a chance to develop extended networks that inure to the benefit of the participants' offices.

The next annual meeting of the IAP will be held Sept. 11-15, 2016, in Dublin, Ireland. The theme for the conference will be “The Prosecutor and Investigator.” Sessions will include discussions on the relationship between the prosecutor and the investigator, governance, and case management from investigation to conclusion of trial.

Previous conference themes have included “White Collar Crime, Corruption and Money Laundering” during the 2015 annual meeting in Zurich, Switzerland, and “Good Prosecution Practices: Learning from Each Other,” during the 2014 annual meeting in Dubai, United Arab Emirates.

The last IAP North American-Caribbean regional meeting was hosted by NAAG in Providence, R.I., in August 2013. Upcoming regional meetings will occur Nov. 2-4, 2016, in Jamaica and May 2017 in Toronto, Canada.

**How Can You Become Involved in IAP?**

Through NAAG's organization membership in IAP, attorneys and investigators in attorneys general offices can participate in any of the specialty working groups or attend annual and regional meetings. Please contact NAGTRI Deputy Director Judy McKee at jmckee@naag.org for more information on specialty working groups. Please register [here](http://www.naag.org/nagtri/nagtri-courses.php) for IAP annual or regional meetings. Note that the maximum capacity for registrations for the annual meeting is usually reached around two months before the meeting dates. If you are interested in attending the September annual meeting in Dublin, it is best to register as soon as possible.

Individual IAP memberships are also available. Annual dues are 50 Euros – about $56.00.

The NAGTRI Journal is published quarterly and is posted at [www.naag.org/publications/nagtri-newsletters.php](http://www.naag.org/publications/nagtri-newsletters.php). To submit article ideas, contact Judy McKee at 202-326-6044 or via email at jmckee@naag.org. To receive a free e-mail copy each quarter, contact Laurel Pugliese via email at lpugliese@naag.org.

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**NAGTRI Training Calendar:**
Since 2011, the National Attorneys General Training and Research Institute (NAGTRI) has hosted an annual International Fellows (IF) program, where a group of remarkable international and domestic government attorneys have the opportunity to work collaboratively on critically important global legal issues. They have jointly worked on these issues while also meeting and interacting with experts in the field. I admit that I am especially partial to this program because I was fortunate enough to be selected as a participant in the initial IF class while working on human trafficking issues at the District of Columbia Attorney General’s Office. Since joining NAGTRI in 2013, I have had the great fortune to assist with organizing the fellows program and meeting amazing, highly-knowledgeable, interesting, and qualified practitioners, prosecutors, and assistant attorneys general from around the world. The IF program is unlike any other NAGTRI training, and I highly encourage attorneys from the state and territorial attorneys general offices to check the NAAG website in early 2017 for the IF announcement and apply to participate in the program.

Undeniably, NAGTRI provides ample, highly-substantive training opportunities enabling the attorney general community to improve their craft, but the IF program is unique. Attorneys are given the opportunity to participate in very diverse activities during their intensive, week-long agenda. Each program is focused on one substantive issue. The fellows hear from experts in the field in that area, work on a group paper addressing a topic within that issue, and meet with senior level officials from the government and non-governmental organizations. Empowering attorneys to improve their job performances is one of the major objectives for hosting the International Fellows program. To assist the fellows in accomplishing this goal, as part of the program, the U.S. attorney general has graciously met with them to discuss ways to tackle the issue they are exploring. The fellows travel to the Capitol to meet with a senator and continue to the U.S. Supreme Court to hear an instructive and inside-the-Court briefing provided by the clerk of the court. At the end of the week, the fellows present their papers, incorporating their collective thoughts, experiences, legal systems, and proposals before an esteemed panel at the New York University School of Law.

We at NAGTRI, assisted by members of the NAGTRI Advisory Board, spend the time each year to thoroughly review each application from both our international prosecutors as well as the applicants from the state attorneys general offices. We try to ensure that the fellows selected for the program are as ethnically and regionally diverse as possible. We have been fortunate enough to host fellows from all but one continent, from the smallest island nations to large, developed countries and from tribal, civil, and common law traditions.

However, the major highlight for me is watching the fellows develop long-term friendships with people they ordinarily would not have had the opportunity to meet. I had a similar experience as a fellow, and, to this day, I maintain contact with people I met in my class. Each year, NAGTRI produces an IF newsletter where fellows share updates on their professional and personal lives and have described how impactful the program has been. Upon returning home, many have implemented systemic changes in their offices or developed new strategies to handle their cases differently based upon information they received during the program and the professional contacts they made.

With this issue of the Journal focusing on NAAG’s involvement in the international prosecutor community, I would like to introduce you to each class since the 2011 inception of the IF program.

The IF program for the 2016 class will include 25 attorneys from very diverse locations around the globe. This year’s theme is entitled, “The Prosecutor’s Role in Fighting Corruption and Promoting Public Integrity.” The attorneys will focus on how best to tackle corruption from its inception and contribute to its reduction globally. In particular, they will explore various aspects of corruption, including dissecting how prosecutors may work with investigators to properly litigate and handle these cases; analyzing and understanding the root causes of corruption; conducting financial investigations; and methods to decrease opportunities for corrupt behavior. The following countries will be represented in this year’s class: Australia, Brazil, Canada, Hungary, Israel, Jordan, Latvia, Mauritius, Mexico, Norway, Somalia, Switzerland, the Netherlands, Uganda, United Kingdom, Vanuatu, and the United States. From the United States, attorneys from Illinois, New York, Ohio, Pennsylvania,
Puerto Rico, Rhode Island, and Utah will be participating. It runs June 4-11.

The IF program for the 2015 class included 23 government attorneys. The attorneys focused on community-based prosecution efforts and efforts to reduce crime, entitled specifically, “Innovative Prosecutorial and Crime Fighting Strategies.” As leaders in the criminal justice field, these lawyers explored and offered unique perspectives on how prosecutors can be leaders in crime reduction efforts. In particular, they examined areas involving how prosecutors can work within the community to reduce crime; how specialized investigations and prosecutions can reduce ever-increasing global crime; how government attorneys may assist in lessening recidivism rates following inmate release from prison; and how to enhance public confidence in the judicial system. The following countries were represented in the 2015 class: Australia, Bermuda, Brazil, Canada, Cook Islands, Denmark, El Salvador, Ireland, Mali, Mexico, Nepal, South Africa, Taiwan, Timor-Leste, Uganda, Ukraine, United Kingdom, and the United States. From the United States, attorneys from Arizona, Delaware, Florida, Nebraska, Nevada, and Rhode Island participated.

The IF program for the 2014 class included 18 government attorneys from throughout the globe. The attorneys focused on myriad issues involving a prosecutor's role in promoting the rule of law. They explored particular areas regarding maintaining the rule of law, such as the role that private enterprise plays and why business compliance while operating in host countries is essential; how prosecutors and defense attorneys can work together and do so in a manner where resources tend to be severely limited; the role that international organizations may play in working directly with prosecutors; and the role of the media in its messaging. The following countries were represented in the 2014 class: Afghanistan, Bosnia and Herzegovina, Brazil, Mexico, Morocco, New Zealand, Philippines, Poland, South Africa, Taiwan, United Kingdom, Zambia, and the United States. From the United States, attorneys from New Mexico, New York, Oklahoma, South Carolina, Virginia, and West Virginia participated.

The IF program for the 2013 class included 21 government attorneys from throughout the globe. The attorneys studied issues related to cybersecurity and its impact as a major transnational crime affecting the world. They worked in small groups after hearing from experts in the field on topics such as how best to address cybersecurity risks involving use of a multinational, collaborative approach; how to balance the importance of privacy and security in today's digital age; and how to protect vulnerable populations from predators through education and enforcement tools. The following countries were represented in the 2013 class: Armenia, Australia, Canada, China, Bosnia, Bulgaria, Brunei, Nigeria, the Netherlands, Mexico, Taiwan, Israel, Portugal, Sri Lanka, United Kingdom, and the United States. From the United States, attorneys from Colorado, Indiana, Maryland, Massachusetts, North Carolina, and Rhode Island participated.

The IF Program for the 2012 class included 22 government attorneys from throughout the globe. The attorneys spent their
time focusing on issues involving corruption and the various forms that pervert justice and the rule of law. Throughout their week-long program, they heard from experts on how best to prosecute corruption cases and shared ideas from their personal experiences regarding the handling of these cases. In particular, the fellows studied different areas, such as what are the root causes of corruption; which methods can be employed to reduce or eradicate corrupt activities globally; corruption involving elected officials and campaigns; law enforcement officers engaged in corrupt practices; and how corporate entities contribute to corrupt patterns and practices throughout the globe in countries with varying economic strength and stability. The following countries were represented in the 2012 class: Australia, Bosnia, Canada, Hungary, Jamaica, Kyrgyzstan, Macedonia, Malawi, Mexico, Mongolia, New Zealand, Philippines, Qatar, Taiwan, Thailand, United Kingdom, and the United States. From the United States, attorneys from Alaska, California, Florida, Idaho, Maryland, and New York participated.

The IF Program for the 2011 class included 18 government attorneys from throughout the globe. The fellows studied all facets and issues involving human trafficking and how prosecutors may help in combatting this scourge on society. The fellows studied human trafficking from both a legal and social perspective, as they considered the scope of the problem globally and which mechanisms were available to them to help deter the illegal activity. Preparing written papers on four topic areas helped the fellows to work together and share ideas on how international and domestic attorneys faced the same dilemmas in trying to prevent human trafficking. For instance, the fellows examined best practices to lessen human trafficking; how to ensure enforcement and offer adequate training to key stakeholders and law enforcement officials to recognize the issue and encourage border and prosecutor cooperation; how to minimize the practice before it starts, and the importance of prosecutors working with intergovernmental organizations to promote outreach and education as prevention tools. The following countries were represented in the 2011 class: Bosnia-Herzegovina, Canada, Czech Republic, Israel, Mexico, Russia, Taiwan, Ukraine, and the United States. From the United States, attorneys from the District of Columbia, Indiana, Massachusetts, New Jersey, Utah, Virginia, and Washington participated.

More information about the NAGTRI International Fellows program can be found here.
Fighting Corruption in Ukraine

MAUREEN KEOUGH, DEPUTY CHIEF, AND JIM BAUM, ASSISTANT ATTORNEY GENERAL, RHODE ISLAND ATTORNEY GENERAL’S OFFICE

We traveled to Kyiv, Ukraine, during the week of Aug. 31 through Sept. 4, 2015, at the request of the International Narcotics and Law Enforcement Affairs Division of the U.S. Department of State (INL) and the National Attorneys General Training and Research Institute to work with the newly-established anticorruption-focused Inspector General Unit (IGU) within the Ukrainian Prosecutor General’s Office (PGO). As senior members of the Rhode Island Department of Attorney General with extensive criminal prosecution and investigative experience, we were asked to provide advice and mentoring to the members of the IGU and to evaluate the technical/equipment needs, organizational structure, and key procedures that would assist the unit in leading successful internal investigations. It was a unique experience that left a lasting impression on both of us.

The unit, which was headed by then Deputy Prosecutor General David Sakvarelidze, was comprised of approximately 10 prosecutors and/or investigators and was created to respond to the endemic corruption within the PGO. When we arrived, the unit had been in existence for less than six months but had already charged approximately 20 individuals. Of note, just weeks before we arrived, the IGU investigated and ultimately charged two senior prosecutors who were suspected of taking bribes and running protection and extortion rackets. Search warrants executed on their homes and offices led to the discovery of $500,000 in cash, 65 diamonds, and a Kalashnikov rifle. The investigation also found that officials of the Prosecutor’s Office conspired and received a UAH $3.1 million bribe (Ukrainian Hryvnia). The incredible success they enjoyed was even more astonishing given the lack of resources and staffing as well as the overwhelming resistance to reform from those who had benefitted from the corrupt system for so long.

In trying to assist the unit, we spent the majority of our time simply speaking with the prosecutors, learning the specifics of the Ukrainian criminal justice system as well as the obstacles they faced in trying to accomplish their objectives. Based upon our observations and many conversations with various members of the unit, it was our impression that the unit knew what it had to do and was more than skilled and knowledgeable about how to do it. What they lacked was political support and adequate personnel and resources to address the pervasive corruption within the PGO.

For example, the IGU was housed within the same building as the PGO and all members of the office, IGU included, were forced to use a universal database. This meant that the very individuals who may be targets of the investigations were able to access information about ongoing cases, including evidence and the identity of informants and witnesses. Any attempts to conduct audio surveillance are thwarted by the PGO’s insistence that the IGU members share the same monitoring equipment and listening rooms used by other prosecutors within the office. Any covert investigation is compromised from the onset. Just as troubling was the lack of basic technology available to the prosecutors and investigators. Things such as laptops, printers, scanners and tablets were in short supply. The vast majority of the unit used their own personal cell phones and email accounts to conduct business because they had no other alternative. They were also required to buy, at their own expense, thumb drives...
containing programs and documents which were necessary for conducting their investigations.

The legal constraints the unit faced were also, quite candidly, overwhelming. For example, any time the IGU or anyone in the PGO wants to undertake a “covert” investigation, they need court permission – this includes wiretaps and the search of financial records, and also includes open source investigations such as basic surveillance. It is no surprise that most of their investigations rely on witness cooperation.

In addition, Ukrainian law requires that the prosecutor notify suspects that an investigation is being started or that he or she is under suspicion. As a result, the IGU constantly deals with issues of destruction of evidence and witness intimidation before the investigative process has concluded. And, regardless of whether a defendant’s confession is legally obtained and all procedural safeguards are in place, statements made by defendants to investigators are not admissible at a later trial. Once again, given the onerous restraints placed on the IGU, it is an enormous testament to the unit’s dedication and resourcefulness that they enjoyed any success.

We did our best to provide the members of the unit with some information that we brought with us, including sample search warrants, arrest warrants, cooperation agreements, and miscellaneous statutes that may provide a blueprint for some of the necessary legal reform. We used some real-life cases to demonstrate some of the tools we use, including social media monitoring, development of cooperating witnesses, and plea agreements that have proven effective in our corruption investigations. We also provided our assessment to the INL regarding the unit’s needs and ideas for how they could continue effectively to combat public corruption.

Much more needs to be done and our fear is that there is a lack of political will to provide the necessary support to the IGU or institute any meaningful reform. Indeed, the day after the “diamond prosecutors” were arrested, Sakvarelidze found himself accused by the PGO of unjustly raiding a state institution. As a result, both of the diamond defendants were soon released on bail and the case remains in limbo. Most recently, Sakvarelidze was fired from his position within the PGO along with all of the prosecutors and investigators involved with the “diamond prosecutors” case. We have tried to find out the reason, but the answers have been elusive.

Nevertheless, both Jim and I found the work of this group and their commitment to reforming the rule of law and addressing corruption within the system to be nothing short of inspiring. It was an absolute privilege to work with these men and women and we can only hope that they find a way to achieve the needed reforms within their profession and for their country.

Teaching the Logistics of Legislative Drafting in Ethiopia: Part I

I n late October 2015, I had the privilege of conducting a five-day training session for the Office of Legal Counsel of the African Union (AU) in Addis Ababa, Ethiopia. The training focused on the basics of legislative drafting, with an emphasis on drafting domestic legislation to implement international treaties. The training was sponsored by the U.S. Department of State pursuant to a Memorandum of Understanding that was signed with the National Association of Attorneys General and its National Attorneys General Training and Research Institute (NAGTRI). South Dakota Assistant Attorney General Jeromy Pankratz conducted the training with me.

The experience was one of the most rewarding of my professional career. Jeromy and I trained approximately 25 participants over the course of five full days. The participants included members of the AU Office of Legal Counsel and individuals representing their countries’ diplomatic missions to the AU. Some were attorneys, but others were not. All of them were highly intelligent, engaged, and eager to learn.

Over the course of the training, it became clear that many of the member states to the AU do not have full-time, non-partisan legislative drafting offices. We spent a good deal of time discussing the importance of such institutions to the democratic process. We also focused on the technical aspects of drafting.
The majority of the program, however, focused on getting participants to think like legislative drafters. In addition to lectures, we broke into smaller groups each day for brief exercises intended to put into practice the skills we had discussed. Some of the workshops focused on actual drafting, which was at times challenging due to the fact that some of the participants were not lawyers and many spoke different languages in addition to English. Most of the workshops, however, focused on the art of thinking like a legislative drafter. This included understanding the constitutional and statutory framework within which one is drafting as well as trying to imagine the unintended consequences of adopting too broad or too narrow policies. We also discussed the distinctions between policy makers and drafters. We emphasized the role of the drafter as one who thinks hard about the policy makers’ goals, asks difficult questions, and gives policy makers opportunities to craft better policies. At the end of each workshop, the groups presented their final products to the rest of the class for discussion. This gave us all an opportunity to see how different approaches can achieve equally effective outcomes. It also demonstrated the importance of time and collaboration.

On the final day of the training, each subgroup attempted to draft national legislation to implement an actual protocol to an international treaty. I was extremely impressed by how far the participants had come over the course of the week, both in their approaches to the task and their final products. I could not have asked for a more motivated, engaged, and attentive group. It was clear that the subject matter was highly relevant both at the AU and within the AU member states.

In addition to the training, Jeromy and I were fortunate to have with us two representatives from the State Department. Chelsea Mubarak and Roushani Mansoor coordinated the trip, traveled with us to Ethiopia, attended the workshops, and even helped us find time to explore Addis during our somewhat limited free time. NAGTRI staff also provided invaluable assistance. Jeanette Manning, NAGTRI counsel, pointed us toward helpful training resources, suggested topics, and was always available for any questions Jeromy and I had.

I highly recommend participating as a faculty member in any international training offered by NAGTRI. It was both personally and professionally gratifying to work and interact with so many people from different cultural backgrounds. It also was gratifying to know that we provided valuable assistance to many emerging democracies within Africa. I hope to have the opportunity and privilege to conduct a similar training in the future.
Teaching the Logistics of Legislative Drafting in Ethiopia: Part II

It was with no small amount of astonishment that I listened to the class discuss with much solemnity their proposed legislation to prevent children of the kingdom from entering the forest while under threat of dragon attack. Wait. It may make more sense to start at a different part of this narrative, lest it sound like last week’s episode of Game of Thrones.

It started as an unassuming September 2015 email from my chief deputy, Charlie McGuigan, asking if I would be interested in conducting an October 2015 training on the “how to” of drafting legislation. The idea piqued my interest, as I currently do a good portion of the bill drafting for the South Dakota Attorney General’s Office and had also enjoyed teaching at the university level prior to working for Attorney General Jackley. What was all the more interesting was that this opportunity was to take place at the African Union (AU) facility in the heart of Addis Ababa, Ethiopia. Of course I enthusiastically put my name into consideration before recognizing that I knew little (actually, nothing at all) about either the AU or Ethiopia.

With the most cursory of Internet research on the location and relative safety of Ethiopia, as well as permission from my wife, I sent off my résumé and hoped for the best. After a bit of back and forth with the National Attorneys General Training and Research Institute (NAGTRI), a branch of the National Association of Attorneys General, and the U.S. Department of State’s International Narcotics and Law Enforcement Bureau, I, along with Robert Clark from the Connecticut Attorney General’s Office, was selected to teach a class on how to develop and create model laws, national laws, regulations, and the step-by-step process of fully implementing various treaties.

If you find yourself thinking about the South Dakota Attorney General’s Office and the first thing that comes to mind is implementation of international treaties, you might want to reconsider what you know about South Dakota, international treaties, and the general practice of law. After I vocalized the same concerns, Bob and I were assured that our expertise in bill drafting and general lobbying principles would be more than enough to allow us to provide a beneficial training to the Office of Legal Counsel of the AU.

With that, Bob and I got to work, which can most aptly be pictured as a “hard-work montage” set to a driving guitar and 80’s synthesizer soundtrack with many notes being furiously scribbled and many pages deliberately turned.

This is where we get back to the George R.R. Martin-esque issue of dragons and forests. Bob, during one of his many late night Google-fests ran across a training that had been put on by Tobias Dorsey, a lawyer for the U.S. government and an author of a book on legislative drafting. Upon completion of what I picture was a frantic cry for help from Bob, Mr. Dorsey kindly sent us some example of materials he had used with great success, which included a hypothetical involving an imaginary kingdom that had issues with dragons. Some might wonder why such a cartoonish concept would be used when leading a discussion on policy and bill drafting with a group of professionals including lawyers, drafters, and actual ambassadors to the AU. The primary reason is that we were more concerned with providing a strong discussion on the principles of drafting and were less concerned with topical affairs.

When one introduces an actual issue into the topic of legislative drafting, policy discussions often take the front seat, and the principles of import are relegated to the far back seat like a third child on a cross-country family vacation. So instead of using substantive issues of concern, such as human trafficking, sexual violence, gang warfare, or the environment, we used a place holder discussion so that the attendees could still be put through intellectual rigors of drafting, but not feel stymied or stifled by issues in their home countries.

For that reason, we had our class of 25 or so participants deliberate the ways in which they could draft laws that would prevent children from going into the forest and being eaten by dragons. What most captured my attention was the astounding level of interest each person gave to the assignment. We gave our full lecture on the basics of every part of a bill, but then, as a group project, we asked for some simple language for passing one law on the issue as provided and asked the students to complete the task in about half an hour.
It was our intent that they work on the body of the bill and we would tack on the other necessities later. After they had asked a few times for more time, we had them present what they had drafted. Not only did they draft the body of the bill as requested, but also drafted the title, definition section, enacting clause, some “whereas” language, emergency clauses, and one group even added a sunset provision. This is not to say that the participants did not have some knowledge already as to how to draft legislation, but the extent they wished to show their knowledge was inspiring.

In my previous experience teaching legal courses at two different universities, I often struggled to keep the students’ attention, even when English was presumably their first language. At the AU, which is made up of 54 member countries with its members speaking Arabic, French, Portuguese, and numerous African dialects, it was not very difficult to overcome the language barrier to teach a productive class. Many U.S. terms of art, idioms, and turns of phrase took some explaining, but they took to learning our “slang” with the same passion as they devoured the curriculum.

When I say the students took to the class with zeal, it is hard to find the appropriate term to describe it. Bob and I often found ourselves running out of time during the presentations because of the level and depth of questions the students asked. By the end of the week, we had not only covered the basics of drafting legislation, but had also taken the Protocol against the Smuggling of Migrants and had drafted model legislation for its implementation.

As a side note, I had carted along some swag from our consumer protection division to hand out to the class, thinking it would be necessary to motivate participants with prizes. I brought a number of items including pens, pencils, coin purses, rulers, frisbees, and collapsed foam koozies, which had the South Dakota Attorney General’s seal printed on them. Many of these items were fun and popular state side, but at the AU, the koozies seemed to be going much faster than all the other items. At break, a student who had traveled and lived in the United States came up with a large smile on her face and told me that I may want to explain what the koozie actually was, as everyone that had taken one thought it was a cell phone sleeve/protector. On a continent where cold drinks were not common, neither were koozies.

Lest you think that we spent all our time in the class room, Bob and I made sure that we also had time to explore the city of Addis, as well as see some of the local attractions, including the Red Terror Museum and the Maryam Church. There seemed to be a genuine respect for personal space and a welcoming attitude for strangers. On a number of occasions we took a cab to a nearby shopping district and walked among the tents and shacks selling leather goods, scarves, and hand-crafted art. It was during these many excursions that I noticed a certain difficulty in catching my breath.

While I am certainly not a world-class athlete by any stretch of the imagination, I am in decent enough shape not to be out of breath after walking up a short flight of stairs. That was not the case while in Addis. Many may have experienced an odd quickness of heart rate and involuntary gulping for air while visiting Denver, Colo. The appropriately-named Mile High city rests at 5,280 feet above sea level. Addis Ababa, that beautiful city on the other side of the globe, clings comfortably to the Entoto mountain chain at a height of 7,726 feet.

It was under these winded conditions that it was explained to me the reason for the gentle haze covering the city. Because a large population of the city had no electricity, heating and fuel for cooking was accomplished by burning the readily available eucalyptus that grows in the nearby mountains. The combination of car exhaust, burning eucalyptus, and rarified air made being outdoors in Addis a breath-taking event.

Students worked together to understand and execute the process of legislative drafting.
While much of the city was lovely, many portions we visited had little or no infrastructure for utilities. It was jarring to see tin homes built against the outer fences of the Sheraton and Hilton hotels, with no visible utility hookups. The juxtaposition of squalor built within feet of luxury was difficult to grasp.

It is easy to forget about the convenience of something as simple as street lights until you are faced with the complete lack thereof. An evening walk from a late night meal in downtown Chicago can be an adventure, but it is most assuredly more interesting in a foreign city on the other side of the world when the only thing to break the darkness is the reflected flickering firelight from homes along the road.

Whether it was during the spare moments between lectures or during the evening hours, wandering around Addis and the AU facilities was a truly unrivaled life experience. The culture, people, art work, and architecture lose so much in the transition between reality and page; I am left with simply saying that I cannot thank NAGTRI, the Bureau of International Narcotics and Law Enforcement Affairs, the State Department, and the African Union enough for the experience of a lifetime.

Courage comes in many forms, but its basic principle is immutable – the ability of humans to act for the greater good in the face of danger. As we write this article, in Macedonia, a group of independent prosecutors specially selected to investigate and prosecute corruption within their own government, embody courage. Their story is worthy of our attention because, as prosecutors, they are the best of us. And we are proud to call them our friends.

We had the good fortune to travel to Macedonia in November 2015 to assist a team of prosecutors to gain the trust of a skeptical public in their mission to root out corruption uncovered in a massive scandal involving alleged illegal wiretaps, bribery, and other crimes. Representatives from the National Association of Attorneys General and the U.S. Department of State organized and sponsored the trip. We left the United States as two people whose lives may never have intersected but for law conferences. We returned home as friends and with a renewed enthusiasm for the rule of law and the role of lawyers.

By way of background, the Republic of Macedonia was formed in 1991, following the breakup of the former Socialist Federal Republic of Yugoslavia. Macedonia is a landlocked country bordering Kosovo, Serbia, Bulgaria, Greece, and Albania. The government of Macedonia is a parliamentary democracy with three branches: executive, legislative, and
judicial. Macedonia’s legal system is based upon civil law. In 2010, the legislature instituted changes to the law of criminal procedure that shifts the system from an inquisitorial one to one that is more adversarial, closer in concept to the U.S. system. The Institution of the Public Prosecution is an independent state body of prosecutors established by the Constitution. There are roughly 200 public prosecutors in Macedonia.

Two major political parties in Macedonia vie for power: the Democratic Party of Macedonian National Unity (VMRO) and the Social Democratic League of Macedonia, (SDSM). The VMRO is a center-right nationalist party. The SDSM is a reformed, formerly Communist organization dating back to the former country of Yugoslavia. In 2014, the VMRO won the parliamentary elections. In 2015, the leader of the SDSM, Zoran Zaev, revealed that the government had conducted widespread and presumably illegal wiretaps, recording approximately 670,000 conversations traced to more than 20,000 telephone numbers. The targets of the wiretaps included journalists, politicians, judges, religious leaders, and government officials. The recordings have been authenticated. They allegedly reveal the involvement of government and political leaders in crimes and other wrongs ranging from election fraud, bribery, blackmail, and extortion to abuse of power, cronyism, and nepotism.

In the wake of this stunning revelation, the European Commission gathered together independent rule of law experts to make recommendations. The European Union, along with other countries, including the United States, reached an agreement with the Macedonian government that resulted in the formation of the Special Prosecutor’s Office. The government agreed to the appointment of a special prosecutor, Katica Janeva, to investigate crimes arising out of the content of the unauthorized wiretaps. Twelve additional prosecutors have been appointed to work with her, along with investigators who have been assigned to the team.

Media interest in the appointment of the special prosecutor has been intense. In Macedonia, there are independent media outlets, and then there are press outlets that function as mouthpieces for the government or for the opposition party. Relations between the independent media and the government have been strained. During a special meeting arranged for us by the U.S. Embassy, press representatives reported to us that a significant percentage of cases pending in the courts are defamation actions filed against journalists. The experts’ group on rule of law issues appointed by the European Commission reported that, despite the guarantee of freedom of the press in Article 16 of the Constitution and the decriminalization of defamation actions, journalists risk retaliation from political leaders for criticizing their platforms. Media organizations’ reliance on government-sponsored advertisements further interferes with their independence.

Some of the wiretap recordings have been leaked to the media, something referred to as the “bombs.” When talk turns to “dropping bombs,” typically it is the military and not the communications professional nor the attorney who are the responders of first resort. But in the case of the Macedonian political crisis, we found ourselves on the front lines in the midst of a battle for information. It is against this backdrop that we set out on our mission to assist Special Prosecutor Katica Janeva and her team.

Kathleen Jennings: “I could not have asked for a better traveling companion. After all, not only was Anne the director of communications for the Wisconsin attorney general, but she also wrote the definitive book on serial killer Jeffrey Dahmer. I
confess to being obsessed by all books crime-related, and so a beautiful relationship began.”

Anne E. Schwartz: “As the anticipation for our deployment was building, Kathy and I were developing a synergy for our individual teaching styles as we were developing a friendship – all by phone. I was honored to travel with one of the country’s top criminal prosecutors and rule of law scholars. But we truly gelled when we discovered we had shared concerns about whether there would be a hairdryer in the room or access to decent coffee. Our final phone conversation ended with, ‘See you in Vienna.’ We both liked the worldliness of that.”

We met in the airport in Vienna. Then it was onto Skopje, the capital of Macedonia. We immediately began to collaborate with our embassy friends and did a deep dive into the country and its current issues. It was clear from the start that our partners at the Embassy were grateful that we were coming and they set about to be the perfect hosts with excellent preparation, hospitality and friendship from Filip Janiceski, legal specialist with the Bureau of International Narcotics and Law (INL) Enforcement Affairs; Mark Lasser, senior justice advisor with INL Justice; Verica Spaseva, program and budget analyst, INL Justice; and many others stationed at the U.S. Embassy in Skopje.

Filip translated not only the language but also the customs – perhaps the most important translation of all. He introduced us to the food, the drink and “the way it is done in Macedonia.” We immediately embraced the espresso-like coffee with a bit of milk that was unlike any beige, watery caffeinated beverage that passes for a latte at the coffee chains. We would need those coffees to get us through a marathon of invaluable meetings at the Embassy that first day.

We were fortunate to meet with U. S. Ambassador Jess Baily and Deputy Chief of Mission Barton J. Putney, both of whom provided sage advice on our mission. We also met with a knowledgeable group of reporters and non-profit organizations, who shared valuable information about the concerns of journalists in Macedonia when reporting on government matters. They overwhelmingly believe that transparency in government operations was lacking, that the media were punished for voicing criticism of the government and that access to critical information was given to favored media outlets over others. This day of meetings provided a strong foundation and reference point for crafting the next day’s training sessions.

We twice visited the Chief Public Prosecutor Marko Zvrlevski, who had initiated a challenge to the Special Prosecution team over the constitutionality of the Special Prosecutor law.

Our mission was to counsel the Special Prosecution team on how to build public trust in the integrity of their work. Lamentably, there is very little positive interaction between government officials and the press. Macedonian government officials have not historically been receptive to open government. This has understandably caused the independent media to distrust all government officials and view even the Special Prosecutors’ role with skepticism.

Filip translated tirelessly the entire day and the expected deliverables were unmistakable – enhanced credibility, transparency in information sharing, and an action plan for communicating the charges in the cases. Two things were immediately clear: the prosecutors were extremely receptive to our teaching plan and the issues created by the release of illegal wiretap recordings are no different in Macedonia than they are Washington, D.C. Frustrations over media coverage and the justice system’s concerns over how that coverage impacts our cases are universal. On that we all agreed – even if it wasn’t in the same language.

Equipped with the necessary background information, we began our real work, meeting with the Special Prosecution team. Our meetings took place at a hunting lodge called Kamnik. The setting was interesting, with gunshots in the distance and striking displays of animal head hunting trophies lining the walls of the dining hall. Despite the constant visual reminder of the origin of our food, throughout our stay we ate meals prepared by chefs who took great pride in displaying their culinary achievements to their guests. The food had a distinctly healthy and fresh Mediterranean style, with the addition of a variety of meat dishes. We had many conversations about our meals, with Filip commenting in a tongue-in-cheek style we came to love, that the Macedonian people took the art of eating well so seriously that a Macedonian chef was recently imprisoned for cooking a bad meal.
The group sat down to work. That first day together, we all eyed each other curiously, as we moved through our agenda amid the challenges of simultaneous translation. Eventually we got used to the laughter that came a bit after the translation. Sometimes the laugh never came, as the humor didn’t always translate. There were many messages to convey, most important that the role of the Special Prosecution team was to do justice impartially and fairly. It was imperative that its work be understood by the public the prosecutors serve. This would require skills in communicating their message to the public, by having regular contacts with the press, by setting up avenues for the press to receive their releases through regular social media posts, and by building trust through honesty and transparency.

When asked to form their mission statement, we watched with pride as the Special Prosecution team truly worked as a team. They developed core principles that govern prosecutors universally: To do justice, to uphold the rule of law, to restore public trust in government, to be transparent in their actions and be independent from political and other influences. At the same time, the team emphasized the importance of protecting witnesses who come forward during the investigation of crimes arising out of the illegal wiretaps as well as the protection of suspects’ rights and that these priorities meant that the investigation could not be open to the public.

While we helped the team begin the process of setting up a press plan, by the second day the team was teaching itself. They had selected a press spokesperson, a bright and engaging prosecutor named Lenche Ristoska. They had formulated a plan for their first press release. They were on their way. We are happy to report that they have had several excellent press releases, have garnered a substantial number of followers on social media, and have made significant progress with media relations.

The substantive work of this group of brave prosecutors is daunting. We must use the adjective “brave” because they are charged with investigating the very government that employs them and, in many cases, their families. There were concerns expressed not so much about their own security, but the security of their loved ones. They know that indictments may be brought against high-ranking government officials and, perhaps, against members of the opposition party. Either way, the team is working in the vortex of a scandal that threatens to destabilize the government of this young country.

Indeed, a recent media account from February of this year reveals that the Special Prosecutor’s Office is under attack, with allegations that the team has pressured witnesses to testify with promises of lighter sentences. Media reported that several criminal charges were brought against members of the team, filed with the Public Prosecution Office. The special prosecutors
Building a successful prosecution depends on each member of the investigative and prosecutorial team, starting with the first response to the scene of the crime, and continuing until a conviction is obtained. That is the message Al Lama, National Association of Attorneys General (NAAG) chief of staff and National Attorneys General Training and Research Institute (NAGTRI) senior program counsel, and fellow instructors shared with Mexican state attorneys general personnel during a March team training held by the Conference of Western Attorneys General (CWAG) in Mexico City.

As Mexico transitions from an inquisitorial justice system inherited from Spain and France, to its new oral, adversarial criminal justice system, its actors require new skills. Through the CWAG Alliance Partnership, CWAG has organized volunteers from state attorneys general offices in the United States to work with their Mexican counterparts for more than seven years, to help their personnel acquire the skills necessary to success in the new system. As the June 18 deadline for the constitutional reforms looms, the pace of implementation of the reforms is frantic.

The CWAG Alliance Partnership is a cooperative program involving CWAG, NAAG, the U.S. Department of State’s Bureau of International Narcotics and Law Enforcement Affairs (INL), and other public and private entities aimed at strengthening international relationships with state attorneys generals offices in the United States, by supporting rule of

deny that any members of the team have broken any laws and it is believed that the aim of these charges is to undermine the effectiveness of the special prosecutor’s mission.

Since returning home, we often have asked ourselves whether we would have the courage to battle injustice on such a large scale at the risk of losing our livelihood, at the risk of harm to our family, and now at the risk of possible imprisonment. We all hope that we would find that brand of courage – to do the right thing in spite of the consequences. As prosecutors, we should be proud that the cause of justice is alive and well in the hearts of these brave lawyers. They thanked us profusely for traveling to teach them, and we responded that it was our honor to serve their cause. We felt we accomplished much in Macedonia. We returned home determined to mirror that courage as we represent justice in our own communities.

Anne: “I was intrigued by the opportunity to visit the Balkans – a place I never considered in any travel planning. Ever. But the mission – to share best practices in public information – is something I have done before and the chance to do it a half a world away would be a gift that would change the game for the prosecutors and it would change my life.”

Kathy: “The cause of justice is universal. Working with this team of stalwart prosecutors enthusiastically diving into the task of ensuring justice for the people they serve reinvigorated my commitment to the people I serve. Teaching is a gift, to the student, but also to the teacher. I hope that one day I can shake the hands of this fine group of prosecutors and thank them for their service.”

We owe a special thanks to Jeanette Manning of the National Association of Attorneys General, Roushani Mansoor and Regina Kang of the U.S. Department of State and, of course, to our friends at the U.S Embassy in Skopje. They make justice possible. As Winston Churchill wrote, “Success is not final, failure is not fatal; it is the courage to continue that counts.”
With these differences in mind, CWAG focuses on the transferable skills that will be needed in the new system. Working together as a team is a fundamental requirement for success. From the first response to the crime scene and throughout the investigation, prosecutors, police investigators, and forensics experts must coordinate the preservation and processing of evidence, the development of the theory of the case, and the preparation of witnesses and exhibits for trial.

Police investigators and forensics scientists will become polished public speakers and credible expert witnesses in their respective fields. Clear and concise opening statements, organized direct examinations, effective use of evidentiary exhibits, incisive cross-examinations, and persuasive closings will all be part of the repertoire of successful prosecutors. These skills and abilities are prerequisites in any adaptation of an oral, accusatorial criminal justice system.

Closing out the week of sharing experiences and advice, Al and the other instructors led the participants through a simulated oral trial, complete with witnesses and evidence. At the closing ceremonies, Al wished them much success, “We hope you find these new skills useful, and take them with you to your respective agencies and incorporate them into your new roles.”

The March 2016 CWAG training was held in Mexico City to assist in the transition from Mexico’s inquisitorial justice system to their new oral, adversarial criminal justice system.
About the Authors

Chris Toth has been NAAG deputy executive director since 2004 and NAGTRI director since its 2008 launch. He served several tours as a Naval officer before attending law school. Following law school, Chris served as a uniformed NCIS agent, deputy prosecuting attorney, and in private legal practice. He also served as the elected prosecuting attorney in St. Joseph County (South Bend), Ind. An Iraq veteran, Chris also served both on active duty and in the reserves as an Army officer, recently retiring from the Army Reserves. He received his B.A., cum laude, from New York University, and his J.D., cum laude from the University of Notre Dame Law School. Chris currently serves on the Executive Committee of the International Association of Prosecutors.

Jim Baum is an assistant attorney general at the Rhode Island Attorney General’s Office where he currently serves as the chief of the Narcotics and Organized Crime Unit. He has also served as chief of the Juvenile Prosecution Unit. He has been with the office for 15 years in both the Civil and Criminal Divisions. During those years, he has focused his efforts on trials, coordinated prosecution and investigation, gang and violent crime prosecutions, organized crime investigation and prosecution, as well as community prosecution. Before coming to the Department of Attorney General, Jim was an associate with the law firm Gidley, Sarli and Marusak where he practiced medical malpractice defense litigation. He is a graduate of the University of New Hampshire School of Law and Lawrence University.

Robert Clark currently serves as special counsel to the Connecticut Attorney General. He represents the attorney general before the Connecticut General Assembly and the state’s other constitutional officers. Mr. Clark is responsible for the attorney general’s legislative initiatives and for responding to legal and public policy questions from legislators, constitutional officers and state agency heads. He also serves as a member of the Office’s six-person executive Litigation Management and Opinion Management Committees. Previously, Mr. Clark served as an assistant attorney general in the Office’s Special Litigation Department. Mr. Clark also practiced law as an associate at Day, Berry & Howard in Hartford, CT and Kramer, Levin, Naftalis and Frankel in New York City. In 1993, Mr. Clark graduated, cum laude, from the University of Connecticut with a B.A. in English. In 1997, he received his J.D., with high honors, from the University of Connecticut School of Law, where he served as executive editor of the Connecticut Law Review.

Kathleen Jennings is the state prosecutor for the State of Delaware Department of Justice. In that position, she oversees all criminal prosecutions. She received her B.A. from the University of Delaware and her J.D. from the Villanova University School of Law. After graduating from Villanova Law School, Ms. Jennings worked as a deputy attorney general for 16 years in the Criminal Division of the Department of Justice. During that time she prosecuted a full range of cases, from misdemeanors to homicides, supervising the Rape, Felony Screening, and Trial Units. Ms. Jennings tried over 100 jury trials. Most notably, she successfully prosecuted serial killer Steven Pennell. During the prosecution, DNA evidence was introduced for the first time in a criminal trial in Delaware. Ms. Jennings also served as chief deputy attorney general under Attorney General Charles Oberly.

Maureen Keough is deputy chief of the Criminal Division for the Rhode Island Department of Attorney General. She is a graduate of Boston College and Suffolk University Law School, and has been with the Department since 1999. While employed by the Rhode Island attorney general, Ms. Keough has served as chief of Newport County office from 2000 through 2005, chief of the Domestic Violence/Sexual Assault Unit from 2006 through 2010, and as deputy chief of the Criminal Division from January 2011 to the present, where her responsibilities include the oversight of assigned units within the criminal division. While chief of the Domestic Violence and Sexual Assault Unit, Ms. Keough acted as liaison to local agencies dedicated to domestic violence issues including the Coalition against Domestic Violence and Day One (formerly known as the Sexual Assault and Trauma Resource Center).

As NAGTRI program counsel, Jeanette Manning is responsible for coordinating legal trainings on an array of topics, conducting research, and writing and editing various publications. Additionally, Jeanette serves as the staff liaison to the NAAG Energy and the Environment and Civil Rights Committees, the NAAG Midwest Region, and also assists with organizing many of NAGTRI’s international programs. Jeanette previously served in the District of Columbia Attorney General’s Office for eight years, as an assistant attorney general in the Family and Public Safety Divisions. She graduated from Western Connecticut State University with a degree in Justice and Law Administration and obtained her Juris Doctor degree from the American University, Washington College of Law.

Roushani Mansoor currently works as a justice advisor in the U.S. State Department’s Bureau of International Narcotics and Law Enforcement Affairs, Office of Criminal Justice Assistance and Partnership (INL/CAP). In this capacity, she provides criminal justice technical assistance and guidance for INL’s justice sector programming. Before joining INL, Roushani spent a year working for the Ministry of Law, Justice, and Parliamentary Affairs in Bangladesh where she assisted with various initiatives including implementing alternative dispute resolution mechanisms and supporting corruption prevention practices. Ms. Mansoor received her JD and MA
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Jeromy J. Pankratz began his service to the State of South Dakota Attorney General’s Office in June 2012. Although starting in the office as director of tobacco litigation, his role has expanded and now includes governmental liaison and lobbyist, and is active in public policy debate before the South Dakota legislature. Finally, Jeromy serves as Attorney General Marty Jackley’s senior advisor and person of contact for outside groups and other national interests.

Jeromy received his J.D. from the University of South Dakota in 2003 after completing his bachelor’s degree in cursu honorum and master’s degree, both in English. He then acted as a clerk to the 1st Judicial Circuit of South Dakota. From 2004 to 2012, Jeromy was in private practice working primarily in civil litigation and governmental relations. While in private practice, he concurrently served as the elected Hamlin County state’s attorney from 2006 to 2012.

Anne Schwartz is an award-winning 26-year veteran print and broadcast journalist, author, and trainer on strategic communication and public relations for law enforcement and legal professionals. She is now special advisor to the Wisconsin Department of Justice (WDOJ). When she was the WDOJ communications director, Schwartz led the team that developed the public service campaign, “Dose of Reality,” to create awareness on prescription opiate abuse. In 1991, as a reporter for the Milwaukee Journal she broke the story of serial killer Jeffrey Dahmer and wrote the book, “The Man Who Could Not Kill Enough: The Story of Milwaukee’s Jeffrey Dahmer.” Schwartz and the reporting team were nominated for a Pulitzer Prize.

Karen White has been the executive director of the Conference of Western Attorneys General (CWAG) since 2006. Prior to that, she served as CWAG deputy director and meeting planner. CWAG’s membership consists of 18 western states and territories in the Pacific and 13 associate member states from across the country. It focuses on issues of particular importance to the West, including water resources and Indian law.

Karen received her undergraduate degree from Pacific Lutheran University in Tacoma, Wash., and attended the University of Pacific McGeorge School of Law in Sacramento, Calif.